

R E M A R K S

Claims 1 and 4-11 currently remain in the application. Claims 12-17 remain withdrawn as being addressed to a non-elected subject matter. Claims 2 and 3 are canceled and claims 1 and 4-6 are herein amended.

In response to the document entitled Amendment "B" After Final Action mailed December 6, 2005, the Examiner stated in said Advisory Action that the proposed amendment therein would not be entered because they raised new issues that would require further consideration and/or search. The present RCE is therefore being submitted to have such consideration and/or search to be effected. Thus, the claims section is herein amended in the same way presented in said Amendment "B" After Final Action and applicant is herein presenting the same argument as before against the Examiner's rejection in said Final Action. For the convenience of the Examiner, applicant's argument presented in the REMARKS section of said Amendment "B" After Final Action is reproduced hereinbelow.

Claims 1-11 were rejected under 35 U.S.C. 103 over Kerkar in view of Ohta, further in view of Berke and yet still further in view of Kloetzer. In view at least partially of the Examiner's rejection, claim 1 is herein amended to incorporate the limitations of claims 2 and 3, claims 2 and 3 being canceled and claims 4-6 being now made dependent from amended claim 1 instead of claim 3. For the reasons to be presented below, applicant believes that amended claim 1 is allowable, together with the other claims that depend therefrom.

Kerkar was relied upon by the Examiner for its disclosure in column 3, lines 32-34 and 59-60 but Kerkar's alkenyl ether/maleic anhydride copolymer (hereinafter referred to as Component a₁, for convenience) merely corresponds to the copolymer that is obtained in the "first process" of claim 1 which is nothing more than an intermediate product that is generated while Component A is being obtained.

Ohta was relied upon for disclosing components shown by General Formulas S, A and B in columns 5 and 6, but these graft copolymers (hereinafter referred to as Component a₂, for convenience) are partial esters of portions equivalent to maleic acid of copolymers having maleic acid and its salts as copolymerization components and do not contain the monomers shown by Formula 1 of claim 1 as copolymerization component.

Berke was relied upon for disclosing alkylene glycols (hereinafter referred to as

Component b, for convenience) in column 1 at lines 11-18 and column 6 at lines 60-61. They are characterized as having hydroxyl groups at both ends, while Component B of claim 1 represents (poly)alkylene glycol monoalkyl ethers with one end closed with alkyl group having 3-5 carbon atoms.

Kloetzer was relied upon for disclosing acidic phosphoric acid esters as described in column 3 at lines 10-31. As pointed out by the Examiner, they partially overlap with the organic phosphates referred to as Component C in claim 1. For the convenience of argument, therefore, the acidic phosphoric acid esters of Kloetzer will be hereinafter referred to also as Component C.


Based on or by considering together these four cited references (Kerkar, Ohta, Berke and Kloetzer), an admixture for concrete using Components a₁, a₂, b and C may be obvious. As intimated by the Examiner, a person skilled in the art may think of Component A of claim 1 based on Component a₁ of Kerkar and Component a₂ of Ohta. Even so, the result would be only an admixture for concrete using Components A, b and C, which is definitely different from the admixture of claim 1 using Components A, B and C. Thus, the question to be decided by the Examiner is whether an admixture using Components A, B and C is obvious in view of another admixture using Components A, b and C where Components B and b are different as discussed above.

An admixture according to claim 1 of the present invention is characterized not only as comprising Components A, B and C but also as containing each of these components at a specified ratio. This is demonstrated in Tables 4 and 5 of the application, corresponding to Tables 1 and 2. The test examples and corresponding comparison examples clearly show that the effects intended by the present invention can be obtained not only by using Components A, B and C but also by using each of them at a specified ratio. It should be clearly understood that the desired effects cannot be expected if Component b is substituted for Component B.

In summary, it should be concluded that the cited references cannot predicate the Examiner's rejection because they fail, even if considered in combination, to suggest any admixture using each and all of Components A, B and C, and at specified ratios as stated in claim 1.

It is therefore believed that the present Amendment is totally responsive to the Office Action and that the application is now in condition for allowance.

Respectfully submitted,


Keiichi Nishimura
Registration No. 29,093

January 6, 2006
BEYER WEAVER & THOMAS, LLP
500 12th Street, Suite 200
Oakland, California 94607
Telephone: (510) 663-1100
Telefax: (510) 663-0920